

DANIEL P. TALBERT, SBN OH 0084088
Special Assistant United States Attorney
160 Spear Street, Suite 800
San Francisco, California 94105
Telephone: (510) 970-4860
Facsimile: (415) 744-0134
E-Mail: Daniel.Talbert@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID ALLEN KNIGHT,

Plaintiff,

VS.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

Case No.: 3:21-cv-0222-CLB

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF

(FIRST REQUEST)

1 The parties hereby stipulate by counsel, with the Court's approval, that Defendant shall have a
2 first extension of time of 31 days to respond to Plaintiff's Motion to Remand up to and including
3 February 14, 2022. The response is currently due January 14, 2022. In support of this request, the
4 Commissioner respectfully states as follows:

5 1. Primary responsibility for handling this case has been delegated to the Office of the
6 Regional Chief Counsel, Region IX, in San Francisco, California (the "Region IX Office").

7 2. Defendant's response to Plaintiff's Merits Brief is currently due January 14, 2022.
8 Defendant has not previously requested an extension of time for this deadline.

9 3. The Region IX Office currently handles all district and circuit court litigation involving
10 the Social Security program arising in Arizona, California, Hawaii, Nevada, and Guam.

11 4. The Region IX Office employs 44 staff attorneys, of whom of whom 30 are actively
12 handling civil litigation involving the Social Security program in the eight assigned jurisdictions. Most of
13 the attorneys who handle program litigation cases have additional responsibilities, such as litigating in
14 other practice areas described below, acting as Jurisdictional leads, reviewing the work product of junior
15 attorneys, conducting trainings, and participating in national workgroups. In addition, because of
16 attorneys taking unexpected leave or resigning, the Region IX Office has had to re-assign dozens of cases
17 and substitute in new counsel who have had to absorb these re-assigned cases into their existing
18 caseloads..

19 6. The undersigned attorney is responsible for briefing 10 cases in district court over the next
20 30 days, and is responsible for reviewing and signing off on another 9 briefs in district court cases to be
21 drafted by other attorneys within the office. Additionally, the attorney responsible for drafting the brief
22 in this case is acting as a back-up on matters for a colleague who is on long-term leave.

23 8. Due to the volume of the overall workload within the Region IX Office, neither the
24 undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete
25 briefing by the current due date of January 14, 2022. Therefore, Defendant seeks an extension of 31
26 days, until February 14, 2022, to respond to Plaintiff's Motion to Remand.

WHEREFORE, Defendant requests until February 14, 2022, to respond to Plaintiff's Motion to Remand.

/s/ *Marc V. Kalagian
By: MARC V. KALAGIAN
(*authorized by email on January 12, 2022)
Attorney for Plaintiff

/s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant United States Attorney

UNITED STATES MAGISTRATE JUDGE

2

CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of the foregoing **MOTION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Marc V. Kalagian
marc.kalagian@rksslaw.com
Leonard Stone
lstone@shookandstone.com
Attorneys for Plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 12, 2022

/s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant United States Attorney